REMARKS

Applicant appreciates the Examiner's thorough examination of the subject application and requests reconsideration of the subject application based on the foregoing amendments and the following remarks.

Claims 4-16 are pending in the subject application. Claims 1-3 were previously canceled.

Claims 5-8, 12, 14 and 15 were withdrawn from consideration as the result of an Examiner's earlier restriction/ election of species requirement. In view of the Examiner's election of species/ restriction requirement, Applicant reserves the right to present the above-identified withdrawn claims in a continuing/ divisional application.

Claims 4, 9-11, 13 and 16 stand rejected under 35 U.S.C. §103. Claims 9 and 16 were objected to because of identified informalities.

Claim 4 was amended to more distinctly claim Applicant's invention. More particularly, claim 1 was amended to include the features of the orientation states of the first and second domain in the absence of an applied voltage and the change in the liquid crystal molecules in the presence of an applied voltage

Claims 9 and 16 were amended to only address the Examiner's objections.

The amendments to the claims are supported by the originally filed disclosure.

35 U.S.C. §103 REJECTIONS

Claims 4, 9-11, 13 and 16 stand rejected under 35 U.S.C. §103 as being unpatentable over the cited prior art for the reasons provided on pages 3-9 of the above-referenced Office Action.

Because claims were amended in the foregoing amendment, the following discussion refers to the language of the amended claim(s). However, only those amended features specifically relied on in the following discussion shall be considered as being made to overcome the prior art reference. The following addresses the specific rejections provided in the above-referenced Office Action.

CLAIMS 4, 10, 11, 13 & 16

Claims 4, 10, 11, 13 and 16 stand rejected as being unpatentable over Takiguchi et al [USP 6,351,299; "Takiguchi"] in view of Woo et al. [USP 6,191,836; "Woo"] for the reasons provided on pages 3-6 of the above referenced Office Action. Applicant respectfully traverses.

The liquid crystal display device of claim 4 is directed to a device in which a liquid crystal having a positive permittivity anisotropy is divided into an orientation in a first domain and a second domain, and the orientation states of the two domains in the absence of an applied voltage are substantially the same with each other and are substantially oriented in parallel with respect to the surfaces of the first and second substrates. Because the first domain and the second domain, which are divided in an orientation, take the same orientation state in the absence of an applied voltage, they are adopted to compensate so that a retardation with respect to the front surface becomes zero by means of the same phase difference plate, which is not divided into domain divisions, having a positive uniaxial refractive index anisotropy.

Namely, the liquid crystal display device of the present invention can compensate a black display at the front surface in the absence of an applied voltage without making a domain

division of the phase difference compensator. Furthermore, the present invention can compensate a viewing angle characteristic due to using the liquid crystal molecules rising in an opposite direction with each other in the presence of an applied voltage by means that the first domain and second domain are divided in orientation.

Thus, the liquid crystal display device claim 4 can compensate for (a) a black display in the absence of an applied voltage and (b) viewing angle characteristics.

In contrast, Takiguchi describes an arrangement to compensate the bypass of light at the state of black due to a bifringence of a twist state on the employment of the phase difference compensator to a liquid crystal display device of bistable properties using a cholesteric to liquid crystal. This reference, however, fails to disclose or suggest, compensation of viewing angle characteristics.

As to Woo, this reference merely discloses a simple arrangement of orientation division. Accordingly there is no disclosure, teaching, or motivation provided to two combine the teachings of the primary and secondary reference so as to yield the liquid crystal display device as claimed by Applicant. Applicant also respectfully submits that even if the disclosures and teachings of the references were combined, the resultant still would not obtain the advantages of the present invention.

It is respectfully submitted that claims 4, 10, 11, 13 and 16 are patentable over the cited reference(s) for the foregoing reasons.

CLAIM 9

Claim 9 stands rejected as being unpatentable over Takiguchi et al [USP 6,351,299; "Takiguchi"] and Woo et al. [USP 6,191,836; "Woo"] as applied to the claims above, and in the view of Sharp [USP 5,751,384] for the reasons provided on pages 7-9 of the above referenced Office Action. Applicant respectfully traverses.

Claim 9 was amended in the foregoing amendment so it now depends from claim 4. As such, it is respectfully submitted that claim 9 is considered to be in allowable form at least because of its dependency from a base claim that is considered to be allowable.

It is respectfully submitted that claim 9 is patentable over the cited reference(s) for the foregoing reasons.

The following additional remarks shall apply to each of the above.

As provided in MPEP 2143.01, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In re Fine, 837 F. 2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F. 2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). As provided above, the references cited, alone or in combination, include no such teaching, suggestion or motivation.

Furthermore, and as provided in MPEP 2143.02, a prior art reference can be combined or modified to reject claims as obvious as long as there is a reasonable expectation of success. In re

Merck & Co., Inc., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 19866). Further, and as provided in MPEP-2143, the teaching or suggestion to make the claimed combination and the reasonable suggestion of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). As can be seen from the forgoing discussion regarding the disclosures of the cited references, there is no reasonable expectation of success provided in the reference(s).

As the Federal circuit has stated, "[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." In re Fritch, 972 F.2d 1260,1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor. Para-Ordance Mfg. v. SGS Importers Int'l, Inc., 73 F.2d 1085, 1087, 37 USPQ2d 1237, 1239 (Fed. Cir. 1995).

It is respectfully submitted that for the foregoing reasons, claims 4, 9-11, 13 and 16 are patentable over the cited reference(s) and thus, satisfy the requirements of 35 U.S.C. §103. As such, these claims are allowable.

It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

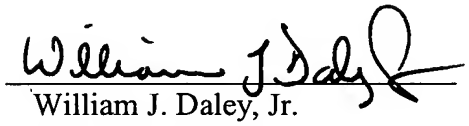
Applicant believe that additional fees are not required for consideration of the within Response. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed

for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit

Account No. **04-1105**.

Respectfully submitted,
Edwards & Angell, LLP

Date: February 28, 2005

By: 

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